

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Inspector General**

Inspector General



March 27, 2003

The Honorable Vincent B. Orange, Sr.  
Chairperson, Committee on Government Operations  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Room 108  
Washington, D.C. 20004

Re: Inspector General Qualifications Amendment Act of 2003, Bill 15-183.  
Public Roundtable, Committee on Government Operations  
Thursday, March 27

Dear Councilmember Orange:

This letter is being submitted for the official record regarding the Public Roundtable on the Inspector General Qualifications Amendment Act of 2003. I am writing to provide to you and to the rest of the City Council a comprehensive overview of the allegations that you have made against me since the time that you assumed oversight of the Office of the Inspector General (OIG). Because of the constant recycling of previous allegations to the press and during recent performance and roundtable hearings, I think that it is important at this time to place the entire body of these allegations into the proper context – *not a single allegation has ever been substantiated*.

To help place the allegations and their results in perspective, I have attached a compendium of your allegations (or those of third parties, as in the case of the report of investigation concerning my residency) with my responses. These allegations include the following:

- My term of office expired on January 15, 2002.
- I have violated the District's residency law.
- I have engaged in the unauthorized practice of law.
- I failed to inform the Council about ongoing investigations without justification.
- I failed to investigate a tip provided to my Office during July 2001 that should have alerted me to later embezzlements from the Washington Teachers Union.
- I compromised the voting rolls during the conduct of a search warrant at the Board of Elections and Ethics.
- I am conducting an investigation into allegations of abuse of authority, preferential treatment, fraud and obstruction at the Board of Elections and Ethics in an attempt to exact a vendetta against the agency on the Mayor's behalf.

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A brief review of the facts presented in my responses reveals that each of the allegations is not only unproved, but could have been resolved by consulting with me on a personal level. Instead, each allegation has become the subject of a televised hearing. If the purpose of these hearings is to establish that cause exists for my removal, then I submit to you that factually and legally inaccurate allegations cannot establish such cause. In fact, this continuous series of unfounded accusations appears to be a mere pretext for effecting my removal *without* cause.

Without cause, you and the Council have passed legislation to remove me from office by creating qualifications for my position that did not exist at the time of my appointment and are impossible for me to meet now. This legislation, which appears to have the dubious distinction of being simultaneously a bill of attainder and an *ex post facto* law, again appears to have the intent of removing me without due process. Furthermore, this legislation is contrary to provisions of federal law designed specifically to protect the Office of the Inspector General from political pressure.

Sincerely,



Charles C. Maddox, Esq.  
Inspector General

Cc: Anthony A. Williams, Mayor  
John A. Koskinen, City Administrator  
Linda W. Cropp, Chairman, D.C. Council  
D.C. Councilmembers

Enclosure

<b>ALLEGATIONS AGAINST CHARLES C. MADDOX, ESQ.</b>	<b>RESPONSE TO ALLEGATIONS</b>
<p style="text-align: center;"><b><u>TERM</u></b></p> <ul style="list-style-type: none"> <li>Inspector General's (IG) term expired on January 15, 2002.</li> </ul>	<p style="text-align: center;"><b><u>TERM</u></b></p> <ul style="list-style-type: none"> <li>IG appointed to 6-year term, as mandated by statute.</li> <li>IG appointed in a control year, subject only to the approval of the Control Board.</li> <li>Council's role in IG's appointment during Control year limited to consultation and notification.</li> <li>The Council's Counsel opined that the IG is appointed for a term of 6-years.</li> <li>Then Director of Personnel testified that the law requires the IG to be appointed for a term of 6 years.</li> <li>Council member Catania testified on Jan. 17, 2002, that the clear meaning of the law requires that the IG serve a term of 6-years.</li> </ul> <p><b>RESOLVED</b></p>
<p style="text-align: center;"><b><u>RESIDENCY</u></b></p> <ul style="list-style-type: none"> <li>IG is not a DC resident.</li> <li>Public documents indicate IG's principal residence is in MD.</li> </ul>	<p style="text-align: center;"><b><u>RESIDENCY</u></b></p> <ul style="list-style-type: none"> <li>At the time the IG became a District government employee in 1998, he was not nor was he required to be a DC resident.</li> <li>When the IG accepted his appointment as IG, he was required to become, and did in fact become, a DC resident within the 180-day mandatory time frame.</li> <li>On Jan. 17, 2002, then Director of Personnel Milou Carolan testified that the IG had submitted the requisite proofs, as required by DC Personnel Regulations to establish his District residency.</li> <li>IG and his wife own this MD property as tenants by the entirety. IG's wife is entitled to and does in fact claim this as her principal</li> </ul>

<ul style="list-style-type: none"> <li>Public records indicate the IG's District condominiums are non-owner occupied.</li> </ul>	<p>residence. Public records reflect the MD property as his wife's principal residence. There is no tax advantage conveyed by virtue of the property being the IG's wife's principal residence.</p> <ul style="list-style-type: none"> <li>At the time these units were purchased, both were non-owner occupied, as the IG was a MD resident. Upon accepting the position as IG, the IG moved into the one unit that did not have a tenant, but did not update property tax records to reflect the unit was now owner-occupied. The IG did not receive a tax benefit from having the property listed as non-owner occupied, in fact he was entitled to a tax break since he does occupy the property.</li> <li>Upon learning that the property tax records were incorrect, the IG immediately effected a change to reflect the unit's status as owner-occupied.</li> <li>Definitive confirmation of IG's "actual, regular, and principal" place of residence in the District rendered 2/20/02 by a third party's investigative findings and legal analysis, pursuant to Council's request for an independent investigation. <b>RESOLVED</b></li> </ul>
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<u>QUALIFICATIONS</u>	<u>QUALIFICATIONS</u>
<ul style="list-style-type: none"> <li>• IG engaged in unauthorized practice of law during his tenure as General Counsel because he was not a member of the DC Bar.</li> <li>• In order to serve as General Counsel to the Office of the Inspector General (OIG), you must be a member of the DC Bar.</li> <li>• As of April 13, 1998, IG had 360 days to become a member of the DC Bar.</li> <li>• IG may be misrepresenting his status as an attorney in DC by using the term “Esq.” after his name.</li> </ul>	<ul style="list-style-type: none"> <li>• During the time IG was General Counsel, he was a member of only the VA Bar.</li> <li>• Both incumbent IG at that time and IG mistakenly believed District operated like federal government in that attorney could practice in any jurisdiction as long as attorney barred in one jurisdiction.</li> <li>• The Office of Bar Counsel and the DC Court of Appeals are the only entities with jurisdiction to determine if an individual has engaged in the unauthorized practice of law.</li> <li>• District Personnel Regulations permit District agencies reporting to the Mayor to hire attorneys certified by the Bar of another state or US territory, but not certified by the Bar of DC, for a period of 13 months.</li> <li>• IG served as General Counsel for approximately 11 months (4/12/98 to 2/28/99) and did not violate any rules or regulations pertaining to the unauthorized practice of law, as further evidenced by the IG’s waiver into DC Bar on 11/1 /02.</li> <li>• At the time this allegation was lodged, neither the IG’s resume, nor his website biography contained any references that he was licensed to practice law in any jurisdiction other than VA. The D.C. Bar Ethics Legal Advisor provided that the use of the term “Esq.” by attorneys barred in other jurisdictions is not prohibited by the DC Court of Appeals Rules. The term merely conveys that an individual has graduated from law</li> </ul>

<ul style="list-style-type: none"> <li>• IG providing <i>pro bono</i> services in the DC but not barred in DC.</li> <li>• IG failed to disclose issues concerning his qualifications and Bar membership when submitting background information in consideration of his appointment as IG.</li> </ul>	<p>school.</p> <ul style="list-style-type: none"> <li>• IG provided <i>pro bono</i> services during his employment with the <b>federal</b> government, prior to his District government service. The federal program for which he provided services <b>exempted attorneys from DC Bar requirements as long as they were barred in at least one state</b>. At the time, the IG was a member of the VA Bar.</li> <li>• In Feb. 1999, when the IG submitted his resume and background information for consideration in becoming the IG, his resume accurately reflected his position as the General Counsel.</li> <li>• That resume was forwarded to the Council and the Control Board without IG's knowledge or input, and was therefore not updated.</li> <li>• Council member Patterson testified on Jan. 17, 2002, and submitted a letter to Council member Orange in which she admitted that she was aware that IG was not a member of the DC bar when he changed positions to the Deputy Inspector General for I &amp; E (DIGIE), and that he acknowledged this as well during the course of the IG selection process. Patterson states in additional comments that the search committee did not view the IG's status as an attorney paramount to his qualifications for IG, given that he had become the DIGIE .</li> <li>• Further testimony on Jan. 17, 2002, established that the IG testified as the DIGIE during a <b>televised public</b> budget hearing, with the incumbent IG, on March 23, 1999.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The dates of the IG's employment with the OIG and the positions he has held since coming to the Office have been listed in the OIG's Annual Reports since the publication of the FY 1999 Annual Report.</li> <li>• At the time the IG accepted the appointment, it was not required that the IG be a General Counsel, a member of any Bar, nor an attorney. <b>RESOLVED</b></li> </ul>
<p><b>OIG's CONDUCT OF RESIDENCY INVESTIGATIONS</b></p> <ul style="list-style-type: none"> <li>• IG received anonymous "FIFTH REPORT," dated January 25, 2003, alleging residency fraud by an employee within the Dept. of Ins. &amp; Securities Regulation, but failed to act.</li> <li>• IG conducting residency investigation as described in Feb. 4, 2002, <i>Washington Times</i> article headlines, "IG probes residency fraud on Few staff."</li> </ul>	<p><b>OIG's CONDUCT OF RESIDENCY INVESTIGATIONS</b></p> <ul style="list-style-type: none"> <li>• The assertions set forth in the letter are false both with respect to the number and nature of complaints received by the OIG.</li> <li>• The OIG received 1 complaint in this regard, on January 30, 2002, not 5.</li> <li>• The employee against whom the allegations were made was not required to be a District resident.</li> <li>• Had the OIG determined that the employee was required to be a District resident, the matter would have been referred to the DC Office of Personnel (DCOP), as jurisdiction for investigating these matters vests with that office, as prescribed by District Personnel Regulations.</li> <li>• The <i>Times</i> article quotes FEMS spokesman as saying that he was not aware of any residency investigations.</li> <li>• The OIG had received an allegation concerning an FEMS</li> </ul>

	<p>employee's residency and referred the matter to the DCOP for adjudication as required by District Personnel Regulations.</p> <p><b>RESOLVED</b></p>
<p><b>OIG's CONDUCT OF INVESTIGATION INTO UNAUTHORIZED PRACTICE OF LAW BY DISTRICT EMPLOYEE</b></p> <ul style="list-style-type: none"> <li>IG's ability to conduct investigation into allegations that District employee engaged in the unauthorized practice of law questioned by Council member Orange because of his belief that IG had engaged in unauthorized practice of law.</li> </ul>	<p><b>OIG's CONDUCT OF INVESTIGATION INTO UNAUTHORIZED PRACTICE OF LAW BY DISTRICT EMPLOYEE</b></p> <ul style="list-style-type: none"> <li>As stated above, the Office of Bar Counsel and the DC Court of Appeals are the only entities with jurisdiction to determine if an individual has engaged in the unauthorized practice of law. Therefore, the OIG has no independent authority to conduct such investigations.</li> <li>The allegation that the IG had engaged in the unauthorized practice of law is baseless. <i>See</i> above. <b>RESOLVED</b></li> </ul>
<p><b>OIG'S FAILURE TO INVESTIGATE JULY 20, 2001 TIP FROM OHR EMPLOYEE</b></p> <ul style="list-style-type: none"> <li>IG failed to investigate July 20, 2001, tip from Office of Human Rights (OHR) employee that contracts were being steered to Curtis Lewis &amp; Associates (Curtis Lewis) because of Lewis' connections to Mayor Anthony Williams.</li> </ul>	<p><b>OIG'S FAILURE TO INVESTIGATE JULY 20, 2001 TIP FROM OHR EMPLOYEE</b></p> <ul style="list-style-type: none"> <li>IG received a July 20, 2001, tip from OHR employee regarding contract irregularities as it pertained to a different law firm.</li> <li>Complaint was not lodged against Curtis Lewis and allegations were not that contracts were steered to the firm.</li> <li>Facts that Council member Orange alleged the IG did not investigate closely mirror allegations that OIG did investigate pursuant to July 20, 2001, complaint it actually received.</li> <li>OHR employee has either erroneously or purposefully substituted Curtis Lewis as the name of the subject identified in the</li> </ul>

	<p>documents provided to Council member Orange.</p> <ul style="list-style-type: none"> <li>• IG substantiated one allegation and determined that the remaining allegation was unsubstantiated.</li> <li>• OIG Report of Investigation was completed and an executive summary of the report was sent to members of Council on September 16, 2002.</li> <li>• OIG received and investigated other allegations (misuse of government travel card and acceptance of gifts) against Mr. Holman by his employees.</li> <li>• Mr. Holman made public in pleadings he filed in a lawsuit against the District, the allegation that former Washington Teachers Union president Barbara Bullock pressured him to award a contract to Curtis Lewis to handle filings for OHR. This information was reported in the <i>Washington Post</i> on September 14, 2002. <b>RESOLVED</b></li> </ul>
<p><b>OIG SUBPOENAED BOARD OF ELECTIONS AND ETHICS (BOEE) VOTER ROLLS AND COMPROMISED THE 2002 ELECTIONS</b></p>	<p><b>OIG SUBPOENAED BOARD OF ELECTIONS AND ETHICS (BOEE) VOTER ROLLS AND COMPROMISED THE 2002 ELECTIONS</b></p> <ul style="list-style-type: none"> <li>• OIG did not subpoena BOEE voter rolls. OIG executed a search warrant at BOEE for all documents stored electronically on the BOEE's network server and back-up tapes related to an ongoing investigation.</li> <li>• Search warrant requires concurrence of a federal prosecutor and a judge, and the timing for execution of a search warrant falls within sole discretion of the federal prosecutor, not OIG. The timing of the execution of the search warrant was prompted in part by the OIG's belief that employees of BOEE</li> </ul>

	<p>could destroy evidence sought by the warrant by deleting electronic information from the servers.</p> <ul style="list-style-type: none"> <li>• Upon determining that there was probable cause as to the violation of a D.C. Code criminal statute, the U.S. Attorney's Office directed that the search warrant should be obtained from a D.C. Superior Court Judge.</li> <li>• OIG lacked expertise or equipment to conduct a forensic review and solicited the assistance of forensic expert Special Agents from the FBI.</li> <li>• FBI assumed custody and control of the seized items for examination and duplication at FBI's forensic lab in VA.</li> <li>• FBI requested that BOEE officials direct them to the server(s) containing the documents sought; however, BOEE's chief technology officer could not provide this information. FBI forensic expert determined which servers met the search warrant requirements.</li> <li>• FBI forensic expert copied the information from the servers. Neither the FBI nor the OIG manipulated or altered the information stored on the servers or back-up tapes.</li> <li>• Search warrant was executed at 5:59 p.m. on a Friday. Servers were returned to BOEE by 11:21 p.m. the same evening. When returned, FBI forensic expert ensured that the servers were properly installed and functioning.</li> <li>• Back-up tapes remained at the FBI lab for review and were returned, unaltered, to BOEE at a later date.</li> <li>• All activities in executing the warrant and returning the servers were witnessed by BOEE officials.</li> <li>• Information in OIG's custody is</li> </ul>
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	<p>limited to copies provided by FBI.</p> <ul style="list-style-type: none"> <li>• FBI provided OIG assurances that no manipulation of the back-up tapes occurred while in their custody.</li> </ul>
<p><b>IG FAILS TO PROVIDE COUNCIL MEMBER ORANGE WITH DETAILS OF ONGOING INVESTIGATIONS</b></p>	<p><b>IG FAILS TO PROVIDE COUNCIL MEMBER ORANGE WITH DETAILS OF ONGOING INVESTIGATIONS</b></p> <ul style="list-style-type: none"> <li>• IG attempted to initiate regular meetings with Council member Orange upon Orange assuming Chair of Government Operations Committee in January 2002, as had been the case with Orange's predecessor for 2 years.</li> <li>• Council member Orange repeatedly cancelled the meetings and did not reschedule them.</li> <li>• Council member Orange makes a practice of lodging complaints concerning OIG matters directly to the Mayor and press, without allowing the IG to respond first.</li> <li>• The only information that IG has refused to discuss with the Mayor, the Council, and the press is any details from ongoing investigations; the same practice employed by most other law enforcement agencies.</li> <li>• The reasons for not discussing this information are: 1) criminal cases are tracked by the US Attorney's Office and must be kept confidential until a person is charged or a prosecution declined; 2) many OIG cases are conducted jointly with other law enforcement entities who rely on the OIG not to reveal information that would compromise an ongoing investigation; 3) many OIG investigations are conducted before the secret proceedings of a grand jury; 4) the integrity of</li> </ul>

	<p>investigations must be preserved to, among other things, prevent alerting the subject of the scope of the inquiry and to protect confidential sources.</p> <ul style="list-style-type: none"> <li>• Council member Orange’s insistence on receiving sensitive information from the IG about ongoing investigations appears to be a continuation of inappropriate practices regarding disclosure and confidentiality. <i>See Vincent B. Orange, Sr., et al. v. District of Columbia</i>, 59 F.3d 1267 (D.C. Cir. 1995), in which the federal court of appeals rejected Orange’s claim that his contract with the University of the District of Columbia had been terminated in retaliation for disclosures made to then Inspector General Samuel McClendon, Esq. In it’s opinion, the court observed: <p>“Instead of revealing undiscovered corruption, Orange had interjected himself into an on-going city-wide investigation. Not surprisingly, the investigators were concerned. The day after Orange issued his second memorandum, the Inspector General wrote . . . that Orange’s memo had resulted in the ‘unauthorized disclosure’ of confidential information that ‘jeopardizes the integrity’ of the ‘government-wide investigation’ that was ‘now subject to formal criminal process.’”</p> <p>. . .</p> <p>“The U.S. Attorney was equally concerned. He wrote directly to Orange, reiterating that ‘we</p> </li></ul>
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	<p>have requested that you not conduct and independent audit,' emphasizing that 'confidentiality of this ongoing investigation [should] not be compromised.'”</p> <p><b>RESOLVED</b></p>
<p><b>OIG IS ENGAGED IN A VENDETTA AGAINST THE BOEE AND THE OFFICE OF CAMPAIGN FINANCE FOR FINING THE MAYOR OVER THE PETITION SCANDAL</b></p>	<p><b>OIG IS ENGAGED IN A VENDETTA AGAINST THE BOEE AND THE OFFICE OF CAMPAIGN FINANCE FOR FINING THE MAYOR OVER THE PETITION SCANDAL</b></p> <ul style="list-style-type: none"> <li>• The OIG does not retaliate against any agency. The OIG adheres to the mandate of its authorizing statute to conduct independent investigations.</li> <li>• In the case of BOEE, the OIG received Whistleblower complaints in April 2002 regarding mismanagement, fraud, and failure to enforce campaign violations, <b>prior</b> to the July 2002 petition scandal. That investigation is ongoing.</li> <li>• Chairman Cropp, Council member Orange, and Council member Ambrose were briefed on the general parameters of the BOEE investigation because of the nature of the allegations and the officials against whom the allegations were lodged.</li> <li>• During a meeting with Council members Orange and Ambrose, and Orange's then General Counsel about the Council's proposed cuts to the OIG's budget, Orange questioned the IG about the timing of the investigation. Orange said that it appeared that the OIG was trying to pressure BOEE Chairman Wilson to rule in favor of the Mayor on matters referred to Wilson as a result of the OIG's</li> </ul>

	<p>fundraising investigation.</p> <ul style="list-style-type: none"> <li>• IG responded that allegations were serious and required an inquiry, and that failure to investigate would be inappropriate.</li> <li>• The OIG must often conduct investigations that are unpopular, including those of the Mayor and Council.</li> <li>• It is the responsibility of every inspector general to protect his or her independence at all costs, because without it, there can be no trust or credibility in what is required to be reported to stakeholders.</li> <li>• OIG investigations may exonerate people or they may not; however, it is not appropriate for anyone to discourage an inspector general from asking the right questions when made aware of serious allegations.</li> </ul>